

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
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IN THE MATTER OF THE PETITION OF)
ONE CALL INTERNET, INC. FOR A)
CERTIFICATE OF TERRITORIAL AUTHORITY)
TO PROVIDE FACILITIES-BASED LOCAL)
EXCHANGE TELECOMMUNICATIONS)
SERVICES; REQUEST FOR AN ORDER BY)
THE INDIANA UTILITY REGULATORY)
COMMISSION DECLINING TO EXERCISE ITS)
JURISDICTION, IN WHOLE OR IN PART, TO)
THE FULLEST EXTENT ALLOWED BY LAW,)
PURSUANT TO I.C. 8-1-2.6; AND REQUEST)
FOR CONSENT FOR BOARDS OF COUNTY)
COMMISSIONERS TO GRANT RIGHT-OF-WAY)
PERMITS, LICENSES OR FRANCHISES)

FILED

NOV 05 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42281

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On August 19, 2002, One Call Internet, Inc. ("One Call Internet" or "Petitioner"), filed its verified petition ("Verified Petition") with the Indiana Utility Regulatory Commission ("Commission") seeking a certificate of territorial authority ("CTA") to provide facilities-based local exchange telecommunications services throughout the State of Indiana, and requesting an order by the Commission declining to exercise its jurisdiction, in whole or in part, to the fullest extent allowed by law, pursuant to Ind. Code § 8-1-2.6-2, and a request for consent for boards of county commissioners to grant rights-of-way permits, licenses or franchises.

Pursuant to proper notice of hearing, published as required by law, proof of which was incorporated into the record by reference, an evidentiary hearing was held in this Cause on Monday, December 16, 2002 at 1:30 p.m. EST in the Indiana Government Center South, Room E-306, at which time One Call Internet and the Indiana Office of the Utility Consumer Counselor ("OUCC") appeared in person and by counsel.

In her prefiled testimony, the OUCC's witness, Angela Gilliland-Kirkpatrick, directed the Commission's attention to a "Notice of Apparent Liability" ("NAL") issued by the Federal Communications Commission ("FCC") against One Call Communications, Inc. d/b/a Opticom ("One Call Communications") on the basis that its operator services engaged in "fat fingered dialing" practices.

On February 17, 2003, Petitioner also submitted to the Commission its form of a Proposed Order.

On April 14, 2003, the Presiding Officers issued a docket entry in this Cause, staying the proceedings until the resolution of the *Motion to Dismiss* filed by Petitioner with the FCC, related to the issuance of the NAL against Opticom.


On August 22, 2003, the FCC granted Petitioner's *Motion to Dismiss*, finding that Petitioner "did not serve the toll-free access codes cited in the NAL at any time during the investigation."

On September 19, 2003, Petitioner filed its *Report of FCC's Order Dismissing Notice of Apparent Liability and Request to Lift Stay*, citing the above order. Petitioner requested that the Commission lift the stay of the proceedings and issue an order granting Petitioner the relief originally requested in the form of the CTA.

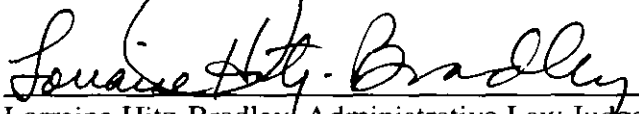
The Presiding Officers, having read the Motion and being duly advised in the premises, hereby find as follows:

Petitioner shall submit a revised proposed order on or before November 14, 2003. The Public shall file exceptions, its own proposed order, or a statement of no exception, on or before November 24, 2003.

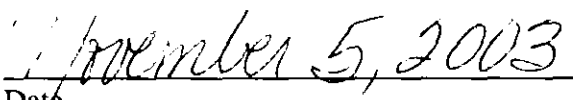
IT IS SO ORDERED.



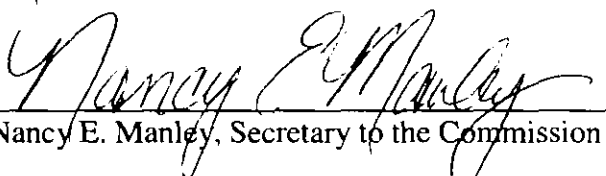
David E. Ziegner, Commissioner



Lorraine Hitz-Bradley, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission